

1894-039 Chancery Causes: Wiley Holmes vs. Nancy C. Holmes
Lee Co.

Witt, Robbins, Stewart, Bailey

CA-Divorce

T-Vices

Migration

To the Hon. Wm. T. Miller, Judge of the Circuit court of the county of Lee:-

Humbly complaining, your orator, Wiley Holmes, would respectfully represent unto your Honor that he was lawfully married to Nancy C. Witt on or about the _____ day of _____ 1891, in the county of Lee and state of Va; that ~~that~~ the said Nancy C. and your respondent lived together about the space of three months, when the said Nancy C., the wife of your said orator, disregarding her marriage vows, wickedly and sinfully stole away from her husband, left him, and went away with another man to the state of Kentucky, and there wickedly and lasciviously cohabits and lives with him, as man by the name of Charles Robbins, in the state of adultery.

And your orator will further show unto your honor that he has not lived with, or cohabited with the said Nancy C. Holmes since she left her said husband, your complainant, nor has he ever been reconciled to her for the said wicked acts; nor has he cohabited with her since knowledge of the fact that the said Nancy C. had been guilty of the said crime and wicked acts aforesaid;

And your orator further alleges and charges that the said adultery of the said Nancy C. Holmes was committed and done within ~~the~~ the next five years preceeding the institution of this suit, nor was the said acts of adultery committed by the procurement or connivances of your orator;

Your orator further alleges and will show unto your honor that ~~he~~ ^{in this State} he has been domiciled at least, and more, than a year previous to the commencement of this suit; and that this ~~error~~ was brought in the county in which your orator last cohabited with the said Nancy C. Holmes. ;

Your orator further alleges that the said Nancy C. Holmes is not a resident of this State, but that she is a non-resident thereof.

The premises considered your orator is advised that upon actual proof of the acts afore said he is entitled to have the ^{now existing between your orator and the said Nancy C.} said bonds of matrimony dissolved by the ~~Honorable~~ court.

The prayer therefore of your orator is that the said Nancy C. ~~be~~

Holmes be made party defendant to this bill of complain; that she answer the same fully and completely on oath; that as she is a non-resident of this state that an order of publication be made as the law requires in such cases; that upon a hearing of your orators complaint he be granted a divorce "a vinculo matrimonae" (from the bonds of matrimony), and that the ^dbonds of matrimony now existing between the said plaintiff and defendant forever be dissolved. And may all other further and general relief be granted your orator that the nature of his cause and good conscience may demand. And your orator will, as in duty bound, ever pray &c.

Pennington Bros. p.q.

Wyley Holmes

is. } Bill for Divorce

Nancy Holmes

Pennington Brothers & Co.

Wiley Holmes Compl't.

vs.

Nancy Holmes Def't.

} In Chancery.

This cause came on again this day to be heard upon the bill of the Complainant and the depositions of witnesses. And it appearing that order of publication has been duly made against the said Defendant and she failing to appear and plead. On consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed that the bonds of matrimony heretofore and existing between the said Compl't. and Defendant be and the same is hereby annulled, vacated and set aside. But the said Defendant is prohibited from again marrying. And the said Compl't. shall recover his taxable costs in this behalf expended. And this Cause is Stricken from the docket.

Wiley Holmes
vol decree final

Nancy Holmes
Copied in Chancery
Order Book
Page 64

Enter this
Nov 10 1894
M L M

Wiley Holmes, Compl't.

In Chancery.

vs.
Nancey Holmes, Defts.

The depositions of

Floyd S. R. Stewart

and *J. A. Bayley*

taken before me A.G. Hyatt, a notary public for the County of Lee and State of Virginia, at the law office of E.W. Pennington in the town of Pennington Gap, Va. on the 1st. day of ~~Sept~~ Octobet, 1894, to be read as evēdence in behalf of Wiley Holmes in a certain suit in chancery now pending in the Circuit of Lee County Virginia, wherein the said Wiley Holmes is plaintiff, and the said Nancey Holmes is defendant.

The witness, *Floyd S. R. Stewart* being duly sworn deposes as follows:-

Give your name, age residence and occupation.

Ans. My name is *Floyd S. R. Stewart*, I am 21 years old, my occupation is farming, and I reside in Lee County, in the Crab Orchard Country.

Ques. Are you acquainted with the plaintiff and defendant in this suit if so state how long you have known them.

Ans. I am acquainted with both the plaintiff and defendant in this suit. I have known the defendant for at least 2 or 3 years, and the plaintiff for at least 15 years.

Ques. Where does the plaintiff and defendant in this suit now live?

Ans. The defendant now lives in the State of Kentucky, and has so lived there for about a year ~~the last two or three~~ years, and the plaintiff now lives in this County, and has so lived therein for the last 15 years. He has lived and been domiciled in this County and State for the year last past and year next preceeding the institution of this suit.

Ques. ~~What~~ ⁺ State what you may know about the defendant in this suit being guilty of adultery, or any thing tending in that way.

Ans. It was said that she left Mr. ^WHolmes, and went off to Ky. with one

C.R. Robbins some one ~~or two~~ years ago. I know that in the Spring last, along in March, 1894 I was out in Pulaski, County, Ky., and I stayed all night at the house of the defendant. The house had two rooms in it and I slept in one and she and the said Robbins in the other. I did not see them in bed together, but there was only one bed in the room in which they slept. They represented to the people out there that they were married to each other. I stayed at defendants house for four nights and the same thing happened each night. I heard the said Nancey say that she left Wiley herself, that he did not run her off. I heard her say this in March last- when I was there. When I saw her last in March last as aforesaid, she looked to be in a pregnant condition, and afterwards, said Robbins told me that she had given birth to a boy, and that it was his. She said that she left Wiley because that she thought more of the said Robbins than she did of Wiley. *Wiley & wife. house not lived together since she left him.*
And farther this deponent saith not.

Deloyd R. Stewart.

T.A. Bailey, another witness after being duly sworn deposes as follows:

Ques. Give your name, age, residence, and occupation.

Ans. My name is T.A. Bailey, I am about 27 years old, live in the Crab Orchard Country in Lee County, and I am a farmer, and teacher.

Ques. Are you acquainted with the defendant and plaintiff in this Suit if so how long have you known them?

Ans. I am personally acquainted with both the parties to this suit. I have known Wiley ever since he was a small boy- some 15 or 20 years. He now lives in this County, and has so lived there for some 15 years.

I have known the said defendant all my life. She is not a resident of this County and State, at this time.

Ques. State whether the said Nancey was ever guilty of adultery? If so when was it.

Ans. I know the fact that the said Nancey ^{has} ~~Holes~~ has been guilty of adultery. This was some time after her and the said Wiley were married to each other. To my knowledge she ^{has} had sexual intercourse with another man

than her said husband. This was a little over a year ago. These acts of adultery of which I speak was was not brought about by the procurement, connivance, or consent of the said Wiley. While the said parties were living together, I visited them; I think the said Wiley was good to her. He seemed to be very attentive to her. And farther this deponent saith not.

T. A. Bailey

~~CC~~

Virginia,

County of Lee, to-wit:-

I, A.G. Hyatt, a notary public in and for the County and State aforesaid, do hereby certify that the foregoing depositions of Floyd R. Stewart, and T.A. Bailey, were taken, sworn to, and subscribed before me at the time and place, and for the purposes in the caption mentioned.

Given under my hand this the 1st. day of Oct. 1894.

A. G. Hyatt
Not Public

Wiley Holmes
vs 3 Deposition
Nancy Holmes.

October 1st 1894

Received by mail in good
condition and filed October
the 10th 1894

A. B. Munsey Clerk

Wiley Holmes Compt.
or. Buchanan

Nancy C. Holmes Deft

This day Wiley Holmes
personally appeared before
me, a notary public, in Lin
coln Co., Va., and made oath
that Nancy C. Holmes is
a non-resident of the State
of Virginia;

Given under my hand
this the 10th day of Sept., 1894
E. W. Peemington
N. P.

Wiley Holmes
} affidavit

Nancy L. Holmes
Filed Sept the 12th 1894

[Faint, mirrored handwriting, likely bleed-through from the reverse side of the page]

Wiley Holmes married
to Nancy C. Hill about
the day of 1891 and lived
with me, about 3 mos and
took a man by the name of
Charles Robbins & ran away to
Oregon with her

Witnesses:-

J. A. Bayley

Geo. A. Lawrence

Floyd Stewart

Wiley Holmes
Care P.O.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 12th day of September 1894.

against

Wiley Holmes

Plaintiff

In Chancery

Nancy L Holmes

Defendant

The object of this suit is to Obtain a decree dissolving the
bonds of matrimony heretofore existing between the
plaintiff and the defendant

And an affidavit having been made and filed that the defendant Nancy L Holmes

is not a resident of the State of Virginia, it is ordered that She do appear here, within Fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South west
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Pennington Bros. p. q.

A B Munsey Clerk.

Wiley Holmes

vs. }

ORDER OF
PUBLICATION.

Nancy C Holmes

I A B Munsey Clerk
of the Circuit Court for
Lee County do certify that
I delivered a copy of the
within for publication
to W H Eads Editor of
the South west Virginian
on the 12th day of September
1894 And that I posted
a copy of the same at the
front door of the Court
house of Lee County
as the law directs
Given under my hand
this the 12th day of
Oct 1894

A B Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Nancy L Holmes

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *October*, 1894, to answer a bill in Chancery,

exhibited against

her

in our said court by

Wiley Holmes

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

12th day of *September*

1894, and in the *119th* year of the

Commonwealth.

A Copy Left

A B Munsey

Clerk.

A B Munsey Clerk

vs. { SUPENA
IN CHANCERY.

p. q.

To..... Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Nancy L. Holmes

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 189*4*, to answer a bill in Chancery,

exhibited against

her

in our said court by

Wiley Holmes

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

12th

day of

September

189*4*, and in the 11

9th

year of the

Commonwealth.

A B Munsey

Clerk.

Wiley Holmes

vs.

SUPREMA
IN CHANCERY.

Nancy Holmes

Pennington Bros p. q.

To 1st October Rules,
Circuit Court.

Not Executed
Gave from the
commonwealth
M R K R &
for G. H. H. H.
S L B

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 13

day of Sept 1894.

A. M. Goins

W. H. Eads

} Editors.

VIRGINIA:—In the Clerk's Office of
the Circuit Court of the county of Lee
on the 12th day of September, 1894.

Wiley Holmes

Plaintiff.

AGAINST

Nancy C. Holmes

Defendant.

IN CHANCERY.

The object of this suit is to obtain a de-
crece dissolving the bonds of matrimony
heretofore existing between the Plaintiff
and Defendant. And an affidavit having
been made and filed that the defendant
Nancy C. Holmes is not a resident of the
State of Virginia, it is ordered that she do
appear here, within fifteen days after due
publication hereof, and do what may be
necessary to protect her interest in this
suit. And it is further ordered that a copy
hereof be published once a week for four
weeks in the Southwest Virginian, and that
a copy be posted at the front door of the
court house of this county on the first day
of the next term of the County Court.

A Copy—Teste:

A. B. MUNSLEY, Clerk.

Pennington Bros. p. q.

s 13 4t

\$5.00

Wyle Holmes, Com.
vs. } In Chancery
Nancy Holmes, Dft.

Pennycuik Bros.

1894 2nd September rules bill
filed & order of Publication
" 1st October rules Continued
for order of Pub & Mature
" 2nd October rules Order of Pub
Matured & Cause set for
hearing by Plff.

November term 1894
Decree final See Chcy
Order Book Page 64

Plff Costs recovered
C \$6.39
Atty 15.00
Printer 5.00
\$26.39

90 to 00.
H.